

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference ADT0416	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/GB2004/005147	International filing date (day/month/year) 08/12/2004	(Earliest) Priority Date (day/month/year) 12/12/2003
Applicant GREENPAC (UK) LIMITED		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (See Box II).

3. ☒ Unity of invention is lacking (see Box III).

4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

FOOTWEAR PACKAGING

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 7

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

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Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 28
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
1,2,9-11,27

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 28

Claim 28 does not define any clear technical features.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1, 2, 9-11,27

footwear package comprising a bag and means for suspending the bag

2. claims: 1, 3-5

footwear package comprising means for locating the items of footwear

3. claims: 1, 6-8

footwear package comprising a bag with special constructional features

4. claims: 1, 12-15

footwear package comprising closure means with special additional features

5. claims: 1, 16, 17

footwear package comprising a polymeric closure means

6. claims: 1, 18-26

footwear package comprising a foldable closure means

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International Application No

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A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 B65D85/18

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B65D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	FR 1 471 666 A (BRÜTTING EUGEN) 3 March 1967 (1967-03-03)	1,2,9,10
Y	page 2, paragraph 15 - page 4, paragraph 1; figures 1,2,10	11
X	GB 1 601 102 A (SCHEMA LTD) 28 October 1981 (1981-10-28)	1,2
Y	page 1, line 77 - page 2, line 43; figure 1	11
Y	US 5 414 975 A (HUMMEL ET AL) 16 May 1995 (1995-05-16) column 4, line 12 - column 4, line 35; figure 4	11

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"Z" document member of the same patent family

Date of the actual completion of the international search

21 March 2005

Date of mailing of the international search report

28.06.2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
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Authorized officer

Augustin, W

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB2004/005147

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
FR 1471666	A	03-03-1967	NONE	
GB 1601102	A	28-10-1981	BE 864688 A1 DE 2810271 A1 FR 2383085 A1 NL 7802561 A	03-07-1978 05-10-1978 06-10-1978 12-09-1978
US 5414975	A	16-05-1995	DE 4225232 A1	03-02-1994

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/GB2004/005147	International filing date (day/month/year) 08.12.2004	Priority date (day/month/year) 12.12.2003	
International Patent Classification (IPC) or both national classification and IPC B65D85/18			
Applicant GREENPAC (UK) LIMITED			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

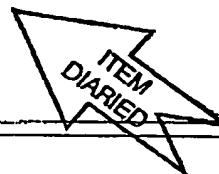
If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

12.10.05



<p>Name and mailing address of the ISA:</p> <div style="text-align: center;"> <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523658 epmu d Fax: +49 89 2399 - 4465</p> </div>	<p>Authorized Officer</p> <p>Augustin, W</p> <p>Telephone No. +49 89 2399-2829</p> <div style="text-align: right;"> </div>
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 28

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 28 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the whole application or for said claims Nos.
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

- ☐ has not been furnished
- ☐ does not comply with the standard

the computer readable form

- ☐ has not been furnished
- ☐ does not comply with the standard

- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. IV Lack of unity of Invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1, 2, 9-11

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	11
	No: Claims	1, 2, 9, 10, 27
Inventive step (IS)	Yes: Claims	
	No: Claims	11
Industrial applicability (IA)	Yes: Claims	1, 2, 9-11, 27
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item III

Claim 28 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined as it does not define any clear technical features.

Re Item IV

This Authority considers that there are six inventions covered by the claims. The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

The prior art has been identified as document **FR-A-1 471 666** and discloses a footwear package comprising a flexible lighth-transmitting bag (1), closure means (5', 5" and 4) and locating means (8") for locating items of footwear within the container. Document **FR-A-1 471 666** therefore discloses all features of the independent claim 1.

The dependent claims define the following features:

- I: means for suspending the bag (claims 2, 9-11)
- II: means for locating the items of footwear (claims 3-5)
- III: constructional features of the bag (claims 6-8)
- IV: general features of the closure means (claims 12-15)
- V: constructional features of a polymeric closure means (claims 16, 17, fig. 9 of the drawings)
- VI: constructional features of a foldable closure means (claims 18-26, figs. 1-6 of the drawings)

The features of the groups of claims defined above concern different problems (suspending of the bag, locating of items, construction of the bag, general features of

the closure means, special construction of the closure means) and the solutions of these different problems are also different.

Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by the special (new and inventive) technical features allow for a relationship to be established between the said inventions, which involves a single general inventive concept.

The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Re Item V

- 1.) The present application does not meet the criteria of Article 33(1) PCT, because **the subject-matter of claims 1, 2, 9, 10, 27 is not new** in the sense of Article 33(2) PCT [see Document **FR-A-1 471 666** with regard to claims 1, 2, 9, 10, 27 in particular flexible lighth-transmitting bag (1), closure means (5', 5" and 4), locating items (8'), suspending formation (4);
GB-A-1 601 102 with regard to claims 1, 27 in particular flexible lighth-transmitting bag (1) which may be opaque with a transparent window (page 2, lines 32-35), closure means (3d and 1c), locating item (3), suspending formation (8), note with regard to claim 8, that it is not defined what sheet is the front sheet and what sheet is the rear sheet;].
- 2.) The dependent claim 11 does not contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step since they come within the scope of the customary practice followed by persons skilled in the art [see **US-A-5 414 975** in particular suspension opening (10)].

Consequently, the subject-matter of claim 11 lacks an inventive step (Rule 65(1)(2) PCT).